

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

CARLYON CICA CHTD.
CANDACE C. CARLYON, ESQ.
Nevada Bar No. 2666
DAWN M. CICA, ESQ.
Nevada Bar No. 4565
TRACY M. O'STEEN, ESQ.
Nevada Bar No. 10949
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119
Telephone: (702) 685-4444
Facsimile: (725) 220-4360
Email: ccarlyon@carlyoncica.com
dcica@carlyoncica.com
tosteen@carlyoncica.com

STEINHILBER SWANSON LLP
MICHAEL P. RICHMAN, ESQ.
Admitted Pro Hac Vice
122 W. Washington Ave., Suite 850
Madison, WI 53703
Telephone: (608) 630-8990
Facsimile: (608) 630-8991
Email: mrichman@steinhilberswanson.com

Counsel for Ryan Drexler

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re
MUSCLEPHARM CORPORATION,

Debtor.

Case No. BK-22-14422-NMC
Chapter 11

**EX PARTE APPLICATION FOR
EXAMINATION OF JESSE WINDRIX
PURSUANT TO BANKRUPTCY RULE
2004**

Hearing Date: N/A
Hearing Time: N/A

Ryan Drexler ("Movant"), by and through his undersigned Nevada counsel, the law firm of Carlyon Cica Chtd., and co-counsel Steinhilber Swanson LLP, hereby applies for an order pursuant to Rule¹ 2004 directing Jesse Windrix to appear for an examination on a date that is

¹ Unless otherwise indicated, all references to a "Section" or a "Chapter" are to Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code").

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1 after April 27, 2023. The date and location of the Rule 2004 examination will be provided
2 through the subsequent issuance of a subpoena and notice of Rule 2004 examination. Movant
3 further requests that the order provide that the examination may be continued from day to day
4 until concluded.²

5 Rule 2004(a) provides that “[o]n motion of any party in interest, the court may order the
6 examination of any entity.” Such an examination may relate to the acts, conduct, or property, to
7 the liabilities and financial condition of the debtor, or to any matter which may affect the
8 administration of the debtor’s estate. See Fed. R. Bankr. P. 2004(b). Here, the requested
9 examination relates to matters that are within the permitted scope of Rule 2004, as such matters
10 related to the acts, conduct, property, liabilities, and financial condition of the Debtor
11 Musclepharm Corporation (the “Debtor”).

12 Local Rule 2004(b)³ further provides that “[o]rders for examination may be signed by the
13 clerk if the date set for examination is more than fourteen (14) days from the date the motion is
14 filed.” Therefore, the Clerk may sign an order for the Rule 2004 examination of Jesse Windrix.

15 WHEREFORE, Debtor respectfully requests that the Court or the Clerk of Court enter
16 the Order Granting Ex Parte Application for Examination of Jesse Windrix Pursuant to
17 Bankruptcy Rule 2004 submitted herewith as Exhibit A.

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22 “Bankruptcy Rule” references are to the Federal Rules of Bankruptcy Procedure Rules 1001-
23 9037. “Local Rule” references are to the Local Rules of Bankruptcy Practice for the United States
24 District Court for the District of Nevada. “Civil Rule” references are to the Federal Rules of Civil
25 Procedure. All references to “ECF No.” are to the number assigned to the documents filed in the
26 above-captioned bankruptcy case as they appear on the docket maintained by the clerk of court.

27 ² The examination will be recorded via stenographic means and may also be recorded
28 by a videographer.

29 ³ Although Movant will also seek documents, Local Rule 2004(c) states that
30 “production of documents may not be obtained via an order under Fed. R. Bankr. P. 2004
31 pursuant to subsection (b). Production of documents may, however, be obtained via subpoena
32 as provided by Fed. R. Civ. P. 45(a)(1)(C), as adopted by Fed. R. Bankr. P. 9016.

Respectfully submitted this 13th day of April, 2023.

CARLYON CICA, CHTD.

/s/ Tracy M. O'Steen, Esq.

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STEINHILBER SWANSON LLP

/s/ Michael P. Richman, Esq.

MICHAEL P. RICHMAN, ESQ.

Admitted Pro Hac Vice

122 W. Washington Ave., Suite 850

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Telephone: (608) 630-8990

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Email: mrchman@steinhilberswanson.com

Counsel for Ryan Drexler

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed via electronic filing using the CM/ECF system with the Clerk of the Court which sent e-mail notification of such filing to all CM/ECF participants in this case as indicated on the service list on April 13, 2023.

/s/ Cristina Robertson
An employee of Carlyon Cica, Chtd.

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EXHIBIT “A”

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**ORDER GRANTING EX PARTE
APPLICATION FOR EXAMINATION OF
JESSE WINDRIX PURSUANT TO
BANKRUPTCY RULE 2004**

Hearing Date: N/A
Hearing Time: N/A

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1 Upon the Ex Parte Application for Examination of Jesse Windrix Pursuant to Bankruptcy
2 Rule 2004 (the “Application”) filed by Ryan Drexler (“Movant”); and for good cause appearing:

3 IT IS HEREBY ORDERED that Jesse Windrix shall appear for a Rule 2004 examination
4 on a date after April 27, 2023, pursuant to Fed. R. Bankr. P. 2004, regarding matters that are
5 within the permitted scope of Rule 2004, including without limitation, the assets, conduct,
6 property, liabilities, and financial condition of MusclePharm Corporation (“Debtor”). Movant
7 shall issue a separate subpoena pursuant to Fed. R. Bankr. P. 9016 for the production of
8 documents. Movant will also issue a separate notice of examination and subpoena for the date
9 that the 2004 examination is scheduled.

10 IT IS FURTHER ORDERED that the examination may be continued from day to day
11 until concluded.

12 IT IS FURTHER ORDERED that the examination may be recorded by a certified court
13 reporter by stenographic means and may also be videographically recorded.

14 IT IS SO ORDERED.

15
16 Respectfully submitted by:

17 **CARLYON CICA, CHTD.**

18 /s/ Tracy M. O'Steen, Esq.
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